

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MICHAEL A. LEA,

Case No. 2:13-00060-TC

Petitioner,

ORDER

v.

RICK COURSEY,

Respondent.

Aiken, Chief Judge:

Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on June 21, 2013. Magistrate Judge Coffin recommends that the petition for writ of habeas corpus be denied and the case dismissed with prejudice. Magistrate Judge Coffin found that the petition was successive, that his claims were or could have been raised in his previously-denied petition, and that petitioner had not obtained the required certification to file a successive petition. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate

judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Petitioner timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error and adopt the analysis contained in Magistrate Judge Coffin's opinion.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 47) filed June 21, 2013, is ADOPTED in its entirety. The Petition for Writ of Habeas Corpus (doc. 2) is DENIED, and all other pending motions (docs. 38, 42, 43, 44) are DENIED as moot. This case is DISMISSED.

Certificate of Appealability

Should petitioner appeal, a certificate of appealability is denied as petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

Dated this 1st day of Aug, 2013.



Ann Aiken
United States District Judge